



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 24

OMRI M. BEHR
325 PIERSON AVENUE
EDISON NJ 08837-3123

COPY MAILED

FEB 09 2005

OFFICE OF PETITIONS

In re Application of
Schally, et al.
Application No. 09/547,215
Filed: April 11, 2000
Attorney Docket No. SHAL3.0-031
For: ANTAGONISTIC ANALOGS OF GH-RH
INHIBITING IGF-I AND -II

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed July 8, 2004, to revive the above-identified application. The petition will be treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The Office contended that the above-identified application became abandoned for failure to timely reply to the September 24, 2003 non-final Office action that set an extendable 3 month period for reply. No extensions of time being obtained under 37 CFR 1.136(a), the Office contended that this application became abandoned on December 25, 2003. A Notice of Abandonment was mailed on April 30, 2004.

An allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed.

Petitioners have provided evidence, namely an itemized date stamped postcard receipt, that shows the Office received a Change of Correspondence Address on September 2, 2003. Unfortunately, the change in address was not matched with the application file. As a result, the September 24, 2003 Office action was mailed to the former address of record.

The petition under 37 CFR 1.181 is granted and the April 30, 2004 Notice of Abandonment is hereby vacated.

Deposit account No. 02-1750 will be credited the \$55.00 petition fee submitted with the instant petition.

After the mailing of this decision, the application file will be forwarded to Technology Center 1600 for the remailing of the September 24, 2003 Office action with a new period set for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
E. Shirene Willis
Senior Petitions Attorney
Office of Petitions